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FILED

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Clerk, U.S. District Court
District Of Montana
Great Falls

**ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

UNITED STATES OF AMERICA, Plaintiff, vs. LUTHER NORMAN WHALEY, Defendant.	CR 22-02-BU-DLC INDICTMENT ROBBERY AFFECTING COMMERCE (Count I) Title 18 U.S.C. § 1951(a) (Penalty: Twenty years imprisonment, \$250,000 fine, and three years supervised release)
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	BRANDISHING A FIREARM IN FURTHERANCE OF A CRIME OF VIOLENCE (Count II) Title 18 U.S.C. § 924(c)(1)(A)(ii) (Penalty: Mandatory minimum seven years to life imprisonment, consecutive to any other sentence, \$250,000 fine, and five years supervised release) FELON IN POSSESSION OF A FIREARM (Count III) Title 18 U.S.C. § 922(g)(1) (Penalty: Ten years imprisonment, \$250,000 fine, and three years supervised release) FORFEITURE 18 U.S.C. § 924(d)
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THE GRAND JURY CHARGES:

COUNT I

That on or about November 2, 2021, in Silver Bow County, in the State and District of Montana, the defendant, LUTHER NORMAN WHALEY, did knowingly obstruct, delay, and affect commerce and the movement of articles and commodities in such commerce, by robbery, as those terms are defined in 18 U.S.C. § 1951, in that the defendant did unlawfully take and obtain property belonging to America's Best Value Inn, located at 122001 W. Browns Gulch Road, in Butte, Montana, a hotel, a company involved in interstate commerce, in the presence of another individual and against her will by means of actual and threatened force,

violence, and fear of injury, immediate and future, to her person, in violation of 18 U.S.C. § 1951(a).

COUNT II

That on or about November 2, 2021, in Silver Bow County, in the State and District of Montana, the defendant, LUTHER NORMAN WHALEY, did knowingly possess a firearm, in furtherance of a crime of violence for which the defendant may be prosecuted in a Court of the United States, that is, robbery affecting commerce, as charged in Count I of this Indictment, in violation of 18 U.S.C. § 1951(a), and brandished the firearm in the course of committing the offense, in violation of 18 U.S.C. § 924(c)(1)(A)(ii).

COUNT III

That on or about November 2, 2021, in Silver Bow County, in the State and District of Montana, the defendant, LUTHER NORMAN WHALEY, knowing that he was convicted of a crime punishable by imprisonment for a term exceeding one year under the laws of the State of Montana, knowingly possessed a firearm, which had been shipped or transported in interstate or foreign commerce, in violation of 18 U.S.C. § 922(g)(1).

FORFEITURE ALLEGATION

Upon conviction of any of the offenses set forth in this indictment, the defendant, LUTHER NORMAN WHALEY, shall forfeit, pursuant to 18 U.S.C.

§ 924(d), any firearms and ammunition involved in any knowing violation of said offense.

A TRUE BILL.

Foreperson signature redacted. Original document filed under seal.

FOREPERSON ✓



LEIF M. JOHNSON
United States Attorney



JOSEPH E. THAGGARD
Criminal Chief Assistant U.S. Attorney